IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Nathan Smith,	§	
Plaintiff,	§	
V.	§	Civil No. H-07-784
	§	
The Abandoned Vessel, et al,	§	
Defendant.	§	

RECEIPT FOR WITHDRAWAL OF EXHIBITS

Type: Bench Trial   Party: Plaintiff

Exhibit Numbers: Description:

ALL TRIAL EXHIBITS - SEE ATTACHED LIST

The above exhibits were received by Richard Schwartz, attorney for the Plaintiff.

(signature)

6/10/09
(date)

SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATHAN SMITH Plaintiff	§	
	§	
V.	§	CIVIL ACTION H-07-784
	§	
THE ABANDONED VESSEL, *In rem* Defendant.	§ § §	

PLAINTIFF'S EXHIBIT LIST

NO.	DESCRIPTION	Offer	Obj.	DATE ADMIT	DATE N/ADM
1.	1851 Texas General Land Office Map of Refugio County Texas (Smith 000013 and 000015) (previously attached as Exhibit 1 to Nathan Smith's deposition)	✓		12/29/08	
2.	1896 Texas General Land Office Map of Refugio County Texas (Smith 000014 and 000016) (previously attached as Exhibit 1 to Nathan Smith's deposition)				
3.	Overlay of 1896 Texas General Land Office Map of Refugio County Texas and Google Aerial photographs taken in 2007 (previously produced as Exhibit 8 to Nathan Smith's deposition)				
4.	1936 General Highway Map of Refugio County Texas (Smith 000022 – 000024) (Smith 000022 and 000023 were previously attached as Exhibit 1 to Nathan Smith's deposition)				
5.	The family manuscript, *Nicholas Fagan, Texas Patriot* by Mrs. Tom O'Connor, Sr., 1958, Family History: Collections of Sylvia Caldwell Rankin (previously attached as Exhibit 5 to Nathan Smith's deposition)				
6.	1971 United States Geological Survey with additions (smith 000019) (previously attached as Exhibit 1 to Nathan Smith's deposition)				
7.	1975 FEMA Flood Map (Smith 000020 and 000021) (previously attached as Exhibit 1 to Nathan Smith's deposition)	↓		↓	

NO.	DESCRIPTION	Offer	Obj.	DATE ADMIT	DATE N/ADM
8.	Three photos of the outline of the ship taken in 2006 (Smith 000001 – 000003) (previously attached as Exhibit 1 to Nathan Smith's deposition)	✓		12/29/08	
9.	Lost Treasures of American History, by W.C. Jameson, 2006	↓		↓	
10.	Google Aerial photographs taken in 2007 (Smith 000011 and 000012) (previously attached as Exhibit 1 to Nathan Smith's deposition)	↓		↓	
11.	September 9, 2008 – Certified copy of Corps of Engineers' Jurisdictional Determination (previously produced as Exhibit F to Smith's Motion for Summary Judgment)	↓		↓	
12.	2008 U.S. Geological Survey of Melon Creek (Smith 000017 and 000018) (previously attached as Exhibit 1 to Nathan Smith's deposition)	↓		↓	
13.	Texas Parks & Wildlife Wetlands Map created by the Texas Coastal Management Agency (Smith 000006 and 000007) (previously attached as Exhibit 1 to Nathan Smith's deposition)	↓		↓	
14.	Map of tidal flats in Aransas-Copano Bays areas (Smith 000010) (previously attached as Exhibit 1 to Smith's deposition)	↓		↓	
15.	Central Texas Coast Wildlife Trail Map (Smith 000025 – 000029) (previously attached as Exhibit 1 to Nathan Smith's deposition)	↓		↓	
16.	Texas Commission on Environmental Quality Map of Guadalupe River Basin, San Antonio River Basin, San Antonio-Nueces Coastal Basin and Portions of Bays and Estuaries (Smith 000008 and 000009) (previously attached as Exhibit 1 to Nathan Smith's deposition)	↓		↓	
17.	"The Effect of Oilfield Brine on the Mission River Aransas Bay Area", by T. L. Effeman	↓		↓	
18.	Surface Water Quality Monitoring to Support Development and Implementation of Bacteria TMDLs in the Copano Bay Watershed http://www.tssweb.state.tx.us/managementprogram/copanosqwm	↓		↓	
19.	November 20, 2007 – Declaration of Nathan Smith to Support Smith's Response to Sorenson's Motion to Dismiss (previously produced as Exhibit 4 to	↓		↓	

NO.	DESCRIPTION	Offer	Obj.	DATE ADMIT	DATE N/ADM
	Nathan Smith's deposition)	✓		12/29/08	
20.	July 31, 2008 – Declaration of Nathan Smith (previously produced as Exhibit B to Smith's Motion for Summary Judgment)				
21.	Navigable waters chart from the U.S. Army Corps of Engineers (Smith 000004 and 000005) (previously attached to July 31, 2008 Declaration of Nathan Smith in support of Plaintiff's Motion for Summary Judgment as Exhibits B-2 and B-3, respectively)				
22.	June 30, 2008 - Report of David Cole				
23.	July 31, 2008 – Declaration of David Cole (previously produced as Exhibit C to Smith's Motion for Summary Judgment)				
24.	September 10, 2008 – Second Declaration of David Cole (previously attached as Exhibit E to Plaintiff's Response to Intervenor's Renewed Motion to Dismiss)				
25.	August 19, 2008 - letter from David M. Frank, Chief, Bridge Administration Branch, U.S. Coast Guard (previously attached to Second Declaration of David Cole as Exhibit E-1)				
26.	September 2, 2008 - Letter from Ana Gordon, the Freedom of Information Officer in the Galveston District of the Corps of Engineers (previously attached to Second Declaration of David Cole as Exhibit E-2)				
27.	2008-2009 Texas Parks and Wildlife Texas Commercial Fishing Guide (previously attached to Second Declaration of David Cole as Exhibit E-3)				
28.	August 29, 2008 - U.S. Geological Survey Streamflow Measurements for Mission River at Refugio, Texas (previously attached to Second Declaration of David Cole as Exhibit E-4)				
49	Excerpts from Lost Treasures of American History Book	✓		12/30/08	
50	Photo of Wood Chip	✓		12/30/08	
51	Map	✓		12/30/08	

Respectfully submitted,

____
Richard A. Schwartz
Federal Bar No. 3647
State Bar No. 17869450
Adraon Greene
Federal Bar No. 25029
State Bar No. 24014533
SCHWARTZ, JUNELL, GREENBERG & OATHOUT, L.L.P.
909 Fannin, Suite 2700
Houston, Texas 77010
Tel: (713) 752-0017
Fax: (713) 752-0327
ATTORNEYS FOR PLAINTIFF
NATHAN SMITH

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Plaintiff, Nathan Smith's Exhibit List* has been served upon the following:

Ronald B. Walker
Terry M. Carroll, Jr.
Walker, Keeling & Carroll, L.L.P.
210 E. Constitution
P. O. Box 108
Victoria, Texas 77902-0108

by U. S. First Class Mail, on this the _____ day of November, 2008.

____
Richard A. Schwartz